

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
APRIL 25, 2017 – 6:00 P.M.  
LAWTON CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor  
Presiding

Also Present:  
Jerry Ihler, City Manager  
Frank Jensen, City Attorney  
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:33 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Rick Gittens, Mind of Christ Multiethnic Church.

ROLL CALL

PRESENT:

Bob Morford, Ward One  
Keith Jackson, Ward Two  
Caleb Davis, Ward Three  
Jay Burk, Ward Four  
Dwight Tanner, Jr., Ward Five  
Cherry Phillips, Ward Six  
V. Gay McGahee, Ward Seven  
Doug Wells, Ward Eight

ABSENT: None

PROCLAMATION FOR AIR QUALITY AWARENESS WEEK

Mayor Fitch proclaimed the week of May 1-5, 2017 as Air Quality Awareness Week.

PRESENTATION FROM UTILITY SERVICE PARTNERS, INC.

Tara Quinn, Senior Account Manager for Utility Service Partners, Inc., presented information on their service line warranty program which is available for homeowners in Lawton. (Information is on file in the City Clerk's office)

AUDIENCE PARTICIPATION:

Patrick Heard, 1601 Cache Road, questioned if the City has a mosquito spraying program.

Ihler stated the City has a mosquito fogging program where a fogging truck sprays a couple times a week. They also throw pellets into the various areas where there are ponds and standing water.

Orhetta Ebisch, 315 SW Park Avenue, stated there is a real drug problem where she lives. She is afraid of where she lives and she needs help. Her purse was stolen last Tuesday and she knows who did it. She went to the police but she is at the bottom of the list. She needs some direction of what to do.

Mayor Fitch stated that the City Manager will be in contact with Ms. Ebisch.

McGahee stated Ms. Ebisch lives in Ward 7 and she had spoken with her and she has given her name and information to the police chief. She stated that Ms. Ebisch has names and addresses of the perpetrators.

Lorene Miller, Executive Director for the Senior Center for Creative Living, stated the center is thriving and she wanted to thank the council for their support. They served over 600 senior citizens a month last year and they feel they are making a great impact. She reported their health and wellness expo will be held May 19th

CONSIDER APPROVAL OF THE MINUTES OF THE LAWTON CITY COUNCIL  
REGULAR MEETING OF MARCH 28, 2017.

MOVED by Wells SECOND by Jackson to approve the minutes of the Lawton City Council regular meeting of March 28, 2017. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Mayor Fitch stated item #9 will be stricken from the agenda and items #13, #21 and #22 will be discussed. Davis requested items #7, #10 and #22 be considered separately.

MOVED by Burk SECOND by Jackson to approve the consent agenda with the exception of items #7, #9, #10, #13, #21 and #22. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Nelson and Wonsil Norman in the amount of \$3,175.00. Exhibits: Legal Opinions/Recommendations and **Resolution No. 17-46.**
2. Consider the following damage claims recommended for denial: Shenelle Hutcheson in the amount of \$196.99 and Randolph and Chong Prothro in the amount of \$370.86. Exhibits: Legal Opinions/Recommendations.

3. Consider approving the Retainer Agreement for Professional and Legal Services with Mark R. Smith to serve as legal advisor to the Personnel Board on an “as needed” basis when the City Attorney has a conflict of interest, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement is on file in the City Clerk’s Office.
4. Consider approving an Outside Water Sales Contract with Kenneth Cabelka, and authorize the Mayor and City Clerk to execute the Contract. Exhibits: Location Map. Contract is on file in the City Clerk’s Office.
5. Consider adopting a resolution approving the joint petition settlement and making payment in the workers’ compensation claim of Danny Lindsey. Exhibits: **Resolution No. 17-47.**
6. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Stephanie Crawford in the Oklahoma Workers' Compensation Commission, Case No. CM2014-09763Y. Exhibits: **Resolution No. 17-48.**
7. Consider approving the final extension of the existing Operating and Professional Services Agreement with LimeLight Productions to provide entertainment and fireworks for the 3<sup>rd</sup> Annual Freedom Festival for one additional year. Exhibits: Extension of the Operating and Professional Services Agreement with LimeLight Productions.

Davis questioned the amount of funding for this event.

Ihler stated there is \$65,000 in hotel/motel tax for this event.

Davis questioned if there was any private funding.

Ihler stated there are sponsorships.

MOVED by Davis SECOND by Burk to approve the final extension of the existing Operating and Professional Services Agreement with LimeLight Productions to provide entertainment and fireworks for the 3<sup>rd</sup> Annual Freedom Festival for one additional year. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

8. Consider adopting a resolution authorizing the use of the city seal on various forms, flyers, banners and other promotional material relating to the annual Lawton Fort Sill Freedom Festival. Exhibits: **Resolution No. 17-49.**
9. Consider a resolution amending Sections 22-104, 22-206, 22-213 and 22-218, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015, as amended, by increasing the utility fees for water service restoration and water meter testing, and establishing a new fee for additional trips to restore water service, as approved for implementation by the Lawton Water Authority and set forth in Exhibit “A” to the

resolution, and establishing an effective date. Exhibits: Resolution No. 17-\_\_\_, Exhibit “A” – Sections 22-104, 22-206, 22-213 and 22-218, Article A-22-1, Appendix A, Schedule of Fees and Charges, Lawton City Code, 2015. **STRICKEN**

10. Consider accepting an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C. Exhibits: Engagement Letter with Crawford & Associates, P.C.

Davis stated he understands that these folks help us with getting ready for audits. He clarified that we are required to have an audit done every year.

J.I. Johnson, Finance Director, stated that is true, we have several outstanding bond issues and we have to have an audit filed in conjunction with those bond issues.

Davis questioned if there is a deadline in which we should have those yearly audits completed.

Jensen stated there is a state statutory deadline of the end of December following the fiscal year end. We are trying to make improvements so we can start meeting that deadline.

Davis questioned when the last audit was completed.

Johnson stated we currently have an audit that is ongoing at the present time. The audit for the fiscal year ending June 30, 2015 was presented and accepted by council last November.

Davis stated according to state statute, that should have been finished by December 2015.

Jensen stated for each fiscal year, the statutory deadline is six months from the end of the fiscal year.

Davis stated it was approved in November 2016.

Johnson stated yes.

Davis questioned why we are so far behind in getting these audits done.

Mayor Fitch stated we have gone through four finance directors in the past five years and it has been troublesome to get all the things together. We don't have a computer system that can transfer the data from our computer to the accountant and that is the reason for this contract. He stated we have been slow in getting audits done but we have the 2015 done and the 2016 audit is in the process of being finalized. He stated the council approved some software/hardware a few months ago that will help alleviate part of this problem. We are working diligently towards getting these audits done on time.

Davis questioned if we are running into any issues with our bonds with not having these audits up to date.

Jensen stated we do have some issue we cannot discuss on the council floor. In connection with the sale of bonds, we have to make continuing disclosures to the buyers of the bonds and we do that on an annual basis. He has been pressing to get the current audit done in April because we have to file them annually and when he does not have them by deadlines then we have to file notices of failure to file and we need to stop doing that and get to the point where we are on time.

Wells questioned if Johnson expects the 2016 audit to be done by April.

Johnson stated he expects it to be done the following week.

Wells stated that will put us four months behind the statutory requirement. He questioned if the 2017 will be done before December.

Johnson stated that is the plan. He stated the reason they need Crawford & Associates is because they provide the accounting expertise and manpower that we don't have within the resources of the City of Lawton. He stated they are saving the city money.

Davis questioned if the audit will be done by December.

Ihler stated one of their major objectives is to get caught up and get back in line. They approved the 2014 audit in July 2016, then the 2015 audit was approved in November 2016 and now they are trying to finish up the 2016 audit and they look to get that done in the May time frame and then we will be caught up. The goal is to get next year's audit done by the end of December and be back in compliance.

Burk stated in all the audits since he has been on council, they have never had any major deficiencies. Part of the problem is that our system is so outdated and they had to manually input this data.

Davis requested that he get updated on the confidential issue that Jensen spoke of.

Jensen stated he would meet with Davis.

MOVED by Davis SECOND by Burk to accept an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

11. Consider adopting a resolution setting the E-911 fee for the period of July 1, 2017, through June 30, 2018. Exhibits: **Resolution No. 17-50**.
12. Consider accepting a \$1000 Sponsorship from Dick's Sporting Goods to support City of Lawton Youth Sports programs. Exhibits: Copy of Dick's Sporting Goods Community Marketing Program is on file in the City Clerk's office.

13. Consider approving a waiver of special assistance and property usage fees in the amount of \$4,950.00 in support of the Black Beaver District Cub Scout Day Camp to be held June 4 - 9, 2017 at Elmer Thomas Park. Exhibits: City Assistance and Property Request Attachment.

Jack Hanna, Parks and Recreation Director, stated the Black Beaver District Cub Scouts have been doing this for ten years and they have requested the fees be waived as they have done for the past ten years.

Mayor Fitch stated there is a committee that is looking at changing the fee structure and it will go into effect July 1<sup>st</sup> and this is not enough time to notify the scouts. We will go ahead and waive it this time but they will fall under the new fee structure for next year.

Hanna stated the committee which consists of Councilmembers Tanner, McGahee and Phillips are working on an outline for a reduction of fees and they hope to bring it back to council soon.

Tanner stated the committee fully supports the boy scouts in this event.

Phillips stated she wanted to make it clear that there is a committee that is looking at all the fees that the city charges to make sure they are fair and also to eliminate some, increase some and just update the fee schedule.

Hanna stated it is their goal to have something in place July 1<sup>st</sup> for the new budget year.

Wells stated this discussion got started because we are waiving about \$250,000 a year in fees.

Hanna stated this fiscal year they are projecting around \$254,000 - \$265,000 in fees that have been waived for co-sponsored events or fees that have been waived by council.

Wells questioned how much we collect a year.

Hanna stated less than \$7,000.

Wells stated if we are going to waive everything then they should just do away with everything completely. We are not making any money for the city.

Tanner stated some of these events are larger and beneficial to the community.

McGahee stated in their committee meeting they discussed the fact that the cub scouts are not prepared to pay these fees this year and they need to give them a heads up if they change the fees. She stated the cub scouts actually added a request to waive an additional \$1,200 this year.

Hanna stated they requested that they provide their own clean up service and that is where the \$1,200 came in this year. Staff requested they have their own dumpster at the park.

MOVED by Phillips SECOND by Tanner to approve a waiver of special assistance and property usage fees in the amount of \$4,950.00 in support of the Black Beaver District Cub Scout Day Camp to be held June 4 - 9, 2017 at Elmer Thomas Park. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

14. Consider approving agreements between Fidelity Communications and the City of Lawton for the purpose of providing internet service for City staffs at both the H.C. King and Patterson Community Centers and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Internet Service Provider Agreements for Fidelity Communications is on file in the City Clerk's office.
15. Consider appropriating \$1,600.00 of awarded federal grant funding into the RSVP division's budget for the purpose of attendance by the RSVP Coordinator at a required national service training conference. Exhibits: Federal CNCS Notice of Grant Award.
16. Consider approving the Replat of Lots 1-5, Block 6, Saint James Place, Part 1. Exhibits: Plat Map.
17. Consider acknowledging receipt of Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 223 linear feet of 8-inch PVC waterline, 50 linear feet of 12-inch PVC waterline, and all appurtenances to serve Coleman Moving and Storage located at 2115 SW 6<sup>th</sup> Street, in the SW/4 of Section 6, T1N, R11W, Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
18. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 198 linear feet of 8-inch PVC sanitary sewer line, 178 linear feet of 10-inch PVC waterline, 14 linear feet of 6-inch PVC waterline, and all appurtenances to serve Lawton Marketplace, Section 2, located on the southwest corner of NW Quanah Parker Trailway and NW 82<sup>nd</sup> Street, in the SE/4 of Section 19, T2N, R12W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct is on file in the City Clerk's Office.
19. Consider approving an agreement and payment of \$1,700.00 to Mr. Lee Gleaves for the replacement of a portion of the residential driveway located at 2903 NW Prentice Ave., which was demolished in the course of completing a city waterline repair. Exhibits: Proposed agreement between the City of Lawton and Mr. Gleaves.
20. Consider approving an agreement and payment of \$1,900.00 to Ms. Sissy Swenson for the replacement of a portion of the residential driveway located at 1633 NW 27<sup>th</sup> St., which was demolished in the course of completing a city waterline repair. Exhibits: Proposed agreement between the City of Lawton and Ms. Swenson.
21. Consider adopting Street Light Resolution No. 490 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Street Light Resolution No. 490.

Mayor Fitch stated a citizen had signed up to speak on item #21, but they actually wanted to speak on item #22.

MOVED by McGahee SECOND by Wells to adopting Street Light Resolution No. 490 to authorize the installation/removal of street lights at the location listed in the Resolution. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

22. Consider adopting a Resolution authorizing the installation and/or removal of traffic control measures on: NE Lawrie Tatum and Gore; Northbound 53<sup>rd</sup> Street, North of Gore Blvd; Lee Blvd. at SW 52<sup>nd</sup> Street; NW Lady Marna and Debracy; McKinley Ave. and SW N.H. Jones Ave. at SW 11<sup>th</sup> St. Exhibits: Resolution No. 17-\_\_\_, Traffic Commission Minutes and Traffic Issue Requests.

McGahee stated there needs to be a correction made to item #5. The resolution and agenda item should say to install signs on Roosevelt and on McKinley at SW 10<sup>th</sup> Street.

Ihler stated the 25 MPH speed limit sign is on McKinley as well as on Roosevelt Avenue.

Davis stated this is a school zone flashing light that is going on 53<sup>rd</sup> Street. He has had complaints from several constituents.

Chairman William Nelson, Chairman of the Comanche Nation, questioned if he could have a consult on the removal of the light at the intersection of NE Lawrie Tatum and Gore.

Burk stated the traffic backs up at the intersection throughout the day and he has had so many constituents calling him. The Comanche Tribe made an agreement with the City of Lawton that when they installed that light years ago, the tribe agreed that as soon as the road was built that goes the other way to a sensor light onto HW #7, that light would be temporary only.

Chairman Nelson requested that the council table this item so that they can talk about this issue. He stated they are building a new road to the Indian Hospital and they are also trying to improve the easements.

Tanner stated he feels they owe it to Chairman Nelson and the Comanche Tribe to table this and bring them to the table to work out a better solution.

Jackson questioned if Chairman Nelson would consider discussing their participation in a cross bridge over I-44.

Chairman Nelson stated yes.

MOVED by Wells SECOND by Burk to adopting **Resolution No. 17-51** excluding the NE Lawrie Tatum and Gore item. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.



23. Consider accepting a permanent easement from Red Rock, Inc., for right of way located near SW Lee Blvd and SW 27<sup>th</sup> street needed for the Accessibility Project Priority #1, Project #15-5SSES, and authorize the Mayor and City Clerk to execute the document. Exhibits: Location Map - Attached as Exhibit A. Document is on file in the City Clerk's office.
24. Consider accepting three permanent easements and four temporary easements located near East Gore and SE 60<sup>th</sup> street from Clayton L. Green, Jr. Revocable Trust and Lisa Jan Green Revocable Trust, for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, and authorize the Mayor and City Clerk to execute the documents. Exhibits: Location Map - Attached as Exhibit A. Documents are on file in the City Clerk's office.
25. Consider accepting a permanent easement and a temporary easement located south of SE Lee Blvd and east of SE 45<sup>th</sup> street from The Herring Family Revocable Living Trust Dated September 16, 2011, and grant a release of easement for right of way needed for the Nine Mile Creek Sanitary Sewer Interceptor Project#2008-2, and authorize the Mayor and City Clerk to execute the documents. Exhibits: Location Map - Attached as Exhibit A. Documents are on file in the City Clerk's office.
26. Consider adopting a Resolution of Necessity for real property acquisition for the Accessibility Project Priority #1, Project #15-5SSES, located near SW Lee Blvd and SW 27<sup>th</sup> street. Exhibits: **Resolution No. 17-52** with Exhibit “A” is on file in the Engineering Division Office.
27. Consider extending the contract for the City of Lawton’s life insurance provider to Mutual of Omaha. Exhibits: Original Contract with optional extensions and rate guarantee through July 1, 2018.
28. Consider awarding contract for (CL17-018) Footwear (Safety, Athletic & Walking) to Woodward’s Occupational Footwear of Cyril, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
29. Consider extending contract for (RFPCL15-046) Concession Operations Eastside Park to LaSill Optimist Club of Lawton, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
30. Consider extending the requirement contract for Sludge Dewatering Polymer to Polydyne Inc. of Riceboro, GA for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
31. Consider awarding contract for (CL17-011) Nuisance Abatement to Teen Challenge of Cache, OK, JM Lawn Services of Lawton, OK, Lawn Wizards of Lawton, OK, Grassmaster Lawncare of Lawton, OK and Joe’s Backhoe Service LLC of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.

32. Consider awarding contract for (CL17-016) Mowing and Litter Areas G & H to (Area G) Rob's Lawn Care of Cache, OK and (Area H) Landscape Partners of Yukon, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
33. Consider extending contract for (CL16-030) Mowing and Litter Contract Areas P & R to Teen Challenge of Cache, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
34. Consider awarding the requirement contract for Liquid Aluminum Sulfate to Water Tech Inc., dba Southwest Chemical of McAlester, OK. Exhibits: Department Recommendation, Abstract of Bids, Price Sheet.
35. Consider extending the requirement contract for Cationic Polymer to the primary vendor Chameleon Industries of Mesquite, TX and the secondary vendor Polydyne Inc. of Riceboro, GA for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
36. Consider extending contract for (CL16-019) Asphalt Crack Filler Material to Right Pointe Company of DeKalb, IL for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
37. Consider approving appointments to boards and commissions. Exhibits: None.
38. Consider approval of payroll for the periods of April 10 - 23, 2017.

NEW BUSINESS ITEMS:

39. Receive bids for the sale of the \$3,000,000 General Obligation Bonds, Series 2017, and award the sale of the \$3,000,000 General Obligation Bonds, Series 2017, to the lowest bidder. Exhibits: Bid Tabulation Sheet to be distributed at Meeting.

Ihler stated in February 2017 the voters approved a street improvement program to be funded in the amount of \$55,300,000 through ad valorem tax. He stated in March the council agreed to go out for bids for the first years' financing package which was \$3 million. The bids were received today and Chris Gander, our financial advisor for the bonds is here to address the bid that we did receive.

Chris Gander, BOK Financial Securities, stated they were here last month to set the date, time and place to receive bids which were at 11:00 a.m. today. They received one bid which was from Wells Nelson and Associates from Oklahoma City at a rate of 1.68%, which is an excellent rate. Lawton has an AA- credit and that is the same credit rating that the State of Oklahoma issues most of their debt through and he is recommending that the council accept this bid.

Mayor Fitch stated that is a good rate and is better than we received last time.

MOVED by Morford SECOND by Jackson to accept the bid from Wells Nelson and Associate at a rate of 1.68% on the first \$3 million of the City's Street Improvement General Obligation Bonds, Series 2017. AYE: Morford, Jackson, Davis, Burk, Phillips, McGahee. NAY: ABSENT: Tanner, Wells. MOTION CARRIED.

40. Consideration and approval of an Ordinance providing for the issuance of General Obligation Bonds, Series 2017, in the sum of \$3,000,000 by the City of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of the General Obligation Bonds, Series 2017; designating a paying agent/registrar; providing for registration thereof; approving a continuing disclosure agreement; approving the Official Statement pertaining to the General Obligation Bonds, Series 2017; providing for the levy of an annual tax for payment of principal and interest on the same; and fixing other details of the issue. Exhibits: Ordinance 17-\_\_.

Ihler stated this proposed ordinance authorizes the selling of the General Obligation Bonds for the roadway improvements for the first \$3 million with an issue date of June 1, 2017.

MOVED by Wells SECOND by Tanner to adopt **Ordinance 17-14**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

MOVED by Wells SECOND by Burk to adopt emergency clause for **Ordinance 17-14**. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-14

An ordinance providing for the issuance of general obligation bonds in the sum of three million dollars (\$3,000,000) dollars by the city of Lawton, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; naming a paying agent and registrar; approving a continuing disclosure agreement; approving the official statement pertaining to the bonds; providing for the levy of an annual tax for payment of principal and interest on the same; fixing other details of the issue; and declaring an emergency.

41. Discuss the draft Annual Action Plan (AAP) for FFY 2017 and receive input from Public Service Organizations. Exhibits: AAP for FFY 2017 (Draft) (On file at City Clerk's office & copy provided). Workbook of Applications (On file at City Clerk's office & copy provided).

Anthony Griffith, Assistant Director, Housing and Community Development, stated this is one of HUD's requirements for the application of funds under the Community Development Block Grant. They need to allow public input and they had a draft of the action plan distributed at several locations in town. They also held a public hearing at the City Planning Commission (CPC) on March 16, 2016 and the CPC concurred with staff recommendation. This item is to allow the public service organization to have input. The follow up item is where the council will actually do the approvals.

Wells stated he does not see where the council will take any action on this item.

42. Hold a public hearing to receive citizen comments and consider discussing recommendations from the City planning Commission (CPC) and approving the Annual Action Plan (AAP) for FFY 2017, granting staff the authority to do up to a twenty percent (20%) adjustment based on the final CDBG and HOME program amounts approved by HUD by adopting a resolution, authorizing the Mayor and City Clerk to execute the resolution and documents necessary to implement the plan. Exhibits: Resolution No. 17-\_\_\_. AAP for FFY 2017 (Draft) (On file at City Clerk's office & copy provided). Workbook of Applications (On file at City Clerk's office & copy provided).

Griffith presented a series of slides regarding the Consolidated One-Year Action Plan for FFY 2017. (Presentation is on file in the City Clerk's Office)

PUBLIC HEARING OPENED.

Charlie Baer, Executive Director of Christian Family Counseling Center, stated they have a very sophisticated outcome system and it is very clear that there is a significant level of success with those that come to them for help. This year they are helping 30 families with outpatient mental health counseling services. He stated 77% experience depression, 10% score significant risk for suicide and 30% have considered suicide. He stated 47% of the help they are providing are for children and 20% is for marriage counseling. He stated a significant difference is made in the lives of people that would not get this care otherwise. He stated they are pleased with the recommendation that has come to council.

PUBLIC HEARING CLOSED.

MOVED by Wells SECOND by McGahee to grant staff the authority to do a twenty percent (20%) adjustment based on the final CDBG and HOME program amounts and approve the AAP for FFY 2017 by adopting **Resolution 17-53**, authorizing the Mayor and City Clerk to execute the resolution and documents necessary to implement the plan. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

43. Hold a public hearing and consider an ordinance changing the zoning from C-5 General Commercial District to C-5 General Commercial District with Historical Preservation Overlay District zoning classification on property located at 702 SW C Avenue. Exhibits: Ordinance 17-\_\_\_ with Guidelines, Location Map, Application with Letter of Basis for Designation, Draft HPC Minutes and Draft CPC Minutes.

Richard Rogalski, Community Services Director, stated this request is to place Historical Preservation Overlay District on Lot 1, Block 37, Original Townsite, which is 702 SW C Avenue. Originally this was the site of the First Congregational Church and is now the site of the Triangle Masonic Temple. The application was signed by T. L. Ragain, Jr., Knights Templar Commandery #18, and the property owner is Lawton Commandery #18. The request for HP Overlay District is to preserve the historical and architectural characteristics of the building. The

Historic Preservation Overlay District Guidelines for the Lawton Original Townsite would be applied to this property.

On March 1, 2017, the Historical Preservation Commission (HPC) held a public hearing on this request. The HPC approved the guidelines to be used for applying the criteria for review of certificate of appropriateness and recommended the Historical Preservation Overlay District be placed on this property. On March 30, 2017, the City Planning Commission held a public hearing on this request and, by a vote of 7 – 0, recommended approval of the HP Overlay District on this lot.

Tanner stated he is fully supportive of this issue. He feels they need to do more of this preservation overlay zoning around the city to help protect the historical structures we have left.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Morford SECOND by Wells to adopt **Ordinance 17-15**, waive the reading of the ordinance, read the title only. AYE: Morford, Jackson, Davis, Tanner, Phillips, McGahee, Wells. NAY: None. ABSENT: Burk. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-15

An ordinance changing the zoning classification from the existing classification of C-5 General Commercial District to C-5 General Commercial District with Historical Preservation Overlay District zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

44. Hold a public hearing and adopt a resolution declaring the structures located at 205 SW 23<sup>rd</sup> Place, 611 NW Arlington Avenue, 721 SW Ranch Oak Boulevard, 1010 SW G Avenue, 1718 NW Irwin Avenue, 1916 NW Pollard Avenue, 2224 NW 26<sup>th</sup> Street and 6820 NW Faircloud Drive to be dilapidated and a public nuisance, ordering the owner to abate the nuisance, authorizing summary abatement, and authorizing the City Attorney to commence legal action in District Court to abate the nuisance. Exhibits: Resolutions and exhibits for each property.

205 SW 23<sup>rd</sup> Place

Joshua Leach, Neighborhood Services Supervisor, reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since December 2015. They have secured the property seven times in the past two years. Leach presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Davis SECOND by Burk, to adopt **Resolution 17-54** declaring the structure located at 205 SW 23<sup>rd</sup> Place to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

611 NW Arlington Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since September 2012. Leach presented photographs of the property

PUBLIC HEARING OPENED.

Patrick Heard, 1601 Cache Road, stated he drove by a couple of properties that are on the list for demolition and he did not see any notification of hearing posted at this property. He stated this looks like a solid structure. He questioned what measures the city council goes through to notify the owners of these dwellings prior to a hearing.

Leach stated for a public hearing state law requires us to give 10 days prior notice. They post it on the house and send a notice certified mail to all interested parties including the home owner and any decedents if the homeowner is deceased. They hire an attorney to research the potential heirs. They also take an additional measure and publish the notice in the newspaper.

Wells stated the first slide showed the posting on the front door.

Tanner stated this property is in his ward and Richard Box, the owner, called him wanting to know his options. He stated he and Mr. Leach met Mr. Box at the property and was told by Mr. Box that he just does not have the money to fix it up right now and he felt it was best we tear it down.

PUBLIC HEARING CLOSED.

MOVED by Tanner SECOND by Wells, to adopt **Resolution 17-55** declaring the structure located at 611 NW Arlington Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

721 SW Ranch Oak Boulevard

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated no utilities have been recorded for the past twenty years. Leach presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by McGahee SECOND by Wells, to adopt **Resolution 17-56** declaring the structure located at 721 SW Ranch Oak Boulevard to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1010 SW G Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since November 2010. They have secured the property eleven times since 2010. Leach presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by McGahee SECOND by Wells, to adopt **Resolution 17-57** declaring the structure located at 1010 SW G Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1718 NW Irwin Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since September 2015. He stated this property was on the agenda last month and upon legal review it was determined that the deed with the current owner was invalid, so they are bringing it back to give the actual owner opportunity to be here today. They have secured this property six times and done seven junk and debris work orders. Leach presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Jackson SECOND by McGahee, to adopt **Resolution 17-58** declaring the structure located at 1718 NW Irwin Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1916 NW Pollard Avenue

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since May 2005. Leach presented photographs of the property

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Jackson SECOND by Morford, to adopt **Resolution 17-59** declaring the structure located at 1916 NW Pollard Avenue to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

2224 NW 26<sup>th</sup> Street

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since October 2015. Leach presented photographs of the property

PUBLIC HEARING OPENED.

Jerry Vancil, 914 NW Arlington, stated he bought this home and then ran out of funds to get it taken care of. He has no problem with having it demolished, he just needs to know how much time he has to do it and if he can work out a payment plan.

Tanner stated the city will tear this down and place a lien on the tax rolls against the property and he will have time to pay it out.

PUBLIC HEARING CLOSED.

MOVED by Morford SECOND by Wells, to adopt **Resolution 17-60** declaring the structure located at 2224 NW 26<sup>th</sup> Street to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

6820 NW Faircloud Drive

Leach reported the numerous violations of city code existing on the property are documented on the Property Maintenance Evaluation Sheet. He stated the property has been without utilities since August 2016. Leach presented photographs of the property

PUBLIC HEARING OPENED.

Eric Mitchell stated he lives next door to this property and he and the other neighbors have been trying to maintain the grounds for the past summer. He questioned the time frame for demolition of the property and what is the path forward as far as the lot is concerned.

Leach stated the process will take 3-4 months.

PUBLIC HEARING CLOSED.

Phillips thanked Mr. Mitchell for caring for the grounds at this location. This was a beautiful home that had a fire and now there is a conflict with the owner and the mortgage company.

MOVED by Phillips SECOND by Wells, to adopt **Resolution 17-61** declaring the structure located at 6820 NW Faircloud Drive to be a dilapidated public nuisance. AYE: Morford, Jackson, Davis, Burk, Phillips, McGahee, Wells. NAY: Tanner. MOTION CARRIED.

45. Consider an ordinance amending Section 7-24-1-2401 and 7-24-1-2402, Division 7-24-1; Sections 7-24-2-2412, 7-24-2-2413, and 7-24-2-2417, Division 7-24-2; Sections 7-24-3-2432, 7-24-3-2433, 7-24-3-2434, 7-24-3-2438.1, 7-24-3-2439, 7-24-2-2440, and 7-24-2-2441, Division 7-24-3; Sections 7-24-4-2451, 7-24-4-2452, 7-24-4-2455, and 7-24-4-2458, Division 7-24-4; adding Section 7-24-3-2442, Division 7-24-3; and repealing Sections 7-24-2-2416 and 7-24-2-2418, Division 7-24-2, and Sections 7-24-4-2456 and 7-24-4-2457, Division 7-24-4, Article 7-24, Chapter 7, Lawton City Code, 2015, modifying liability insurance requirements for taxicab companies; modifying applications



for taxicab drivers; deleting the written exam for taxicab drivers; requiring surrender of taxicab drivers permit when not employed by certificate holder; deleting color scheme for taxicabs; modifying regulations on solicitation, acceptance, and discharge of passengers; deleting open stands for taxicabs; and declaring an emergency. Exhibits: Ordinance 17-  
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Burk stated he has been in meetings with both local cab companies and the whole idea is to make it fair for them having to compete with some of the other companies that are out there. He stated they got rid of some crazy things and a lot of things were deleted and he feels they actually have made it where the local companies can operate and compete locally.

Rogalski stated they actually strengthened the requirements for insurance liability up to a million dollars and the state requirements were very low. He stated they clarified a requirement that a certificate of necessity require a minimum of five vehicles.

MOVED by Burk SECOND by McGahee to adopt **Ordinance 17-16**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Morford, Jackson, Davis, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 17-16

An ordinance, pertaining to taxicabs, amending Sections 7-24-1-2401 and 7-24-1-2402, Division 7-24-1; Sections 7-24-2-2412, 7-24-2-2413, and 7-24-2-2417, Division 7-24-2; Sections 7-24-3-2432, 7-24-3-2433, 7-24-3-2434, 7-24-3-2438.1, 7-24-3-2439, 7-24-3-2440, and 7-24-3-2441, Division 7-24-3; Sections 7-24-4-2451, 7-24-4-2452, 7-24-4-2455, and 7-24-4-2458, Division 7-24-4; adding Section 7-24-3-2442, Division 7-24-3; and repealing Sections 7-24-2-2416 and 7-24-2-2418, Division 7-24-2, and Sections 7-24-4-2456 and 7-24-4-2457, Division 7-24-4, Article 7-24, Chapter 7, Lawton City Code, 2015, modifying liability insurance requirements for taxicab companies; modifying applications for taxicab drivers; deleting the written exam for taxicab drivers; requiring surrender of taxicab drivers permit when not employed by licensed taxicab company; deleting color scheme for taxicabs; modifying regulations on solicitation, acceptance, and discharge of passengers; deleting open stands for taxicabs; providing for codification; providing for severability; and declaring an emergency.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Tanner congratulated two young citizens in his ward who attend St. Mary's Catholic School. They took first place in the local science fair. One was a first grader and the other was in eighth grade. The first grader's name was Sage Charity Tanner and Gwyneth Hope Tanner won the eighth grade division.

Davis announced there will be a Ward 3 meeting on Thursday, April 27<sup>th</sup> at 6:30 p.m. at City Hall to choose which road they will go out for design with this new bond issue that was passed.

J.I. Johnson, Finance Director, presented revenue and expenditure highlights for period ending March 31, 2017. (On file in the City Clerk's office).

The Mayor and Council convened in executive session at 8:36 p.m. and reconvened in regular, open session at 9:42 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

46. Pursuant to Section 307(B)(3), Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appraisals of approximately 22 ½ acres, collectively or by parcel, of City-owned real property in the vicinity of NW 67<sup>th</sup> Street and Rogers Lane, as authorized by Ordinance No. 10-36, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item #46. No action was taken.

47. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of James and Cynthia Cunningham and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #47. No action was taken.

48. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action involving an employee wage and benefit issue, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #48. No action was taken.

There being no further business to consider, the meeting adjourned at 9:44 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK